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EXAMINER
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DAYE, CHELCIE L

ART UNIT	PAPER NUMBER
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2161

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05/21/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/646,850

Applicant(s)

MELLENTIN ET AL.

Examiner

CHELCIE DAYE

Art Unit

2161

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11, 15-18 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 15-18 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is issued in response to applicant's amendment filed February 29, 2008.
2. Claims 1-11,15-18,and 21 are presented. No claims added and claims 12-14 and 19-20 are cancelled.
3. Claims 1-11,15-18,and 21 are pending.
4. Applicant's arguments filed February 29, 2008, have been fully considered but they are not persuasive.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-5,7-8,10-11,15-18, and 21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Catan (US Patent Application No. 20020143860) filed on March 31, 2001, in view of Curry (US Patent No. 6,814,293) filed on April 17, 2001, and further in view of "Applicant Admitted Prior Art", paragraphs [0003]-[0006]; hereinafter referred to as AAPA.**

Regarding Claim 1, Catan discloses a method for handling data of a proportioning device comprising the steps of:

providing the proportioning device ([0058], lines 1-3, Catan)<sup>1</sup>, in a production process ([0064], lines 1-8 and [0067], Catan), with at least one transponder ([0058], lines 5-7, Catan) for contactlessly storing data using a writing device ([0060], lines 12-20, Catan)<sup>2</sup> and from which data can be contactlessly read out using a reading device ([0059], lines 1-3, Catan)<sup>3</sup>, storing production-related specific data about the proportioning device ([0132], Catan), in the production process ([0064], lines 1-8 and [0067], Catan), into the transponder using the writing device ([0060], lines 12-20, Catan), and fully or partially reading out the stored production related data using the reading device ([0061], lines 1-15, Catan). However, Catan is silent with respect to storing application-related data about the proportioning device in the transponder using the writing device and during use of the proportioning device or during maintenance or repair of the proportioning device, fully or partially reading out the stored application related data using the reading device. On the other hand, Curry discloses storing application-related data about the proportioning device in the transponder using the writing device (column 7, lines 24-34 and column 17, lines 2-7, Curry) and during use of the proportioning device or during maintenance or repair of the proportioning device (column 20, lines 36-39, Curry), fully or partially reading out the stored application related

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<sup>1</sup> Examiner Notes: The "MRL" device corresponds to the proportioning device, because the MRL device houses and performs the same functions as those outlined for the proportioning device (i.e. a transponder which stores data by a writing device and reads data by a reading device, contactlessly, See Fig. 1).

<sup>2</sup> Examiner Notes: The "computer" corresponds to the writing device. Also, the act of contactlessly storing data is represented by a wireless connection.

data using the reading device (column 7, lines 15-23 and column 13, lines 60-65, Curry). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Curry's teachings into the Catan proportioning device. Catan and Curry are analogous art because they are from the same field of endeavor of establishing a relationship among data and managing it with frequency (i.e. transponders). A skilled artisan would have been motivated to combine, as suggested by Curry at column 17, lines 40-46, in order to authorize the system to communicate data with other components such as networks, modems, and interfaces. By applying this information this allows the device to be self-contained ensuring that the needed data will be available with more ease. However, the combination of Catan in view of Curry are silent with respect to the proportioning device being of a portable or stationary design and selected from the group consisting of manually operated pipettes, motor-operated pipettes, manually operated dispensers, and motor-operated dispensers. On the other hand, Applicant Admitted Prior Art discloses the proportioning device being of a portable or stationary design and selected from the group consisting of manually operated pipettes, motor-operated pipettes, manually operated dispensers, and motor-operated dispensers ([0003], lines 1-4, AAPA). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate AAPA's teachings into the Catan in view of Curry system. Catan, Curry, and AAPA are analogous art because they are from the same field of endeavor of handling

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<sup>3</sup> Examiner Notes: The "portable reader" corresponds to the reading device. Also, the act of contactlessly

proportioning devices. A skilled artisan would have been motivated to combine in order to allow the dispenser to be operated at a capacity suitable for the system as well as more convenient for the user. Therefore, the combination of Catan in view of Curry, and further in view of AAPA, disclose the application-related specific data is stored to be fully or partially variable into the transponder ([0012], lines 10-13 and [0159], Catan).

Regarding Claim 2, the combination of Catan in view of Curry, and further in view of AAPA, disclose the method wherein the proportioning device is provided with a passive transponder (column 10, lines 64-67, Curry)<sup>4</sup>.

Regarding Claim 3, the combination of Catan in view of Curry, and further in view of AAPA, disclose the method wherein at a beginning stage of assembling the proportioning device, a product component is provided with the transponder ([0088], lines 1-6, Catan)<sup>5</sup>.

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reading is done by wireless links.

<sup>4</sup> Examiner Notes: The use of a battery for energy storage is acceptable, but the battery can also be replaced with capacitor, which is inductively charged (i.e. passive).

<sup>5</sup> Examiner Notes: "Components of the resource retrieval technology" corresponds to the product component, and the assembly process is represented by the "using the context to filter a large number of options down" (which is gathering the context together and organizing them downward). Lastly, by filtering the context downward, that means the process starts from the top (i.e. beginning) to the bottom.

Regarding Claim 4, the combination of Catan in view of Curry, and further in view of AAPA, disclose the method wherein the transponder is encapsulated in the proportioning device ([0061], lines 1-4, Catan)<sup>6</sup>.

Regarding Claim 5, the combination of Catan in view of Curry, and further in view of AAPA, disclose the method wherein an article number ([0076], Catan) and/or a serial number of the proportioning device ([0006], lines 3-6, Catan) and/or a production order number ([0132], lines 1-4, Catan) and/or a batch number is/are stored into the transponder as production-related specific data.

Regarding Claim 7, the combination of Catan in view of Curry, and further in view of AAPA, disclose the method wherein sales data is stored (column 7, lines 29-31, Curry) into the transponder as application-related specific data (column 17, lines 2-7, Curry).

Regarding Claim 8, the combination of Catan in view of Curry, and further in view of AAPA, disclose the method wherein inventory data of the user is stored (column 7, lines 29-31, Curry) into the transponder as application-related specific data (column 17, lines 2-7, Curry).

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<sup>6</sup> Examiner Notes: "Affixed" corresponds to encapsulated.

Regarding Claim 10, the combination of Catan in view of Curry, and further in view of AAPA, disclose the method wherein usage data is stored (column 14, lines 36-43, Curry) into the transponder as application-related specific data (column 17, lines 2-7, Curry).

Regarding Claim 11, the combination of Catan in view of Curry, and further in view of AAPA, disclose the method wherein maintenance and/or repair data is stored (column 20, lines 36-39, Curry) into the transponder as application-related specific data (column 17, lines 2-7, Curry).

Regarding Claim 15, the combination of Catan in view of Curry, and further in view of AAPA, disclose a proportioning device comprising: a proportioning device selected from the group consisting of manually operated pipettes, motor-operated pipettes, manually operated dispensers, and motor-operated dispensers ([0003], lines 1-4, AAPA), a transponder ([0058], lines 5-7, Catan) for contactlessly storing data using a writing device ([0060], lines 12-20, Catan) and from which data can be contactlessly read out using a reading device ([0059], lines 1-3, Catan), the proportioning device having the transponder affixed thereto (Fig.2; [0061], lines 1-4, Catan), wherein the data stored into the transponder is fully or partially variable ([0012], lines 10-13 and [0159], Catan).



Regarding Claim 16, the combination of Catan in view of Curry, and further in view of AAPA, disclose the proportioning device wherein the transponder is a passive transponder (column 10, lines 64-67, Curry).

Regarding Claim 17, the combination of Catan in view of Curry, and further in view of AAPA, disclose the proportioning device wherein the transponder is encapsulated in a casing of the proportioning device ([0061], lines 3-4, Catan).

Regarding Claim 18, the combination of Catan in view of Curry, and further in view of AAPA, disclose the proportioning device wherein the transponder is disposed inside the casing of the proportioning device or is injected into the casing of the proportioning device (column 13, lines 54-56, Curry)<sup>7</sup>.

Regarding Claim 21, the combination of Catan in view of Curry, and further in view of AAPA, disclose the method wherein the production-related data is selected from the group consisting of article number ([0076], Catan), serial number ([0006], lines 3-6, Catan), production order number ([0132], lines 1-4, Catan), and batch number.

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<sup>7</sup> Examiner Notes: "Includes" corresponds to injected.

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**7. Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Catan (US Patent Application No. 20020143860) filed on March 31, 2001, in view of Curry (US Patent No. 6,814,293) filed on April 17, 2001 and further in view of “Applicant Admitted Prior Art”, paragraphs [0003]-[0006]; hereinafter referred to as AAPA, and further in view of Jansen (US Patent No. 6,778,917) filed on November 1, 1999.**

Regarding Claim 6, the combination of Catan in view of Curry, and further in view of AAPA, disclose the method of storing production-related specific data ([0063], lines 1-7, Catan). However, Catan in view of Curry, and further in view of AAPA, are silent with respect to the data being initial calibration. On the other hand, Lee discloses disclosing the data being initial calibration (column 4, lines 37-55, Jansen). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Jansen's calibration system into the Catan in view of Curry, and further in view of AAPA system. A skilled artisan would have been motivated to combine, as suggested by Jansen at columns 2-3, lines 60-67 and 1-2, respectively, in order to alleviate the tedious and erroneous task of inputting the calibration data via a keyboard. Thereby, providing a system for operating a metering system with improved operating parameters.

Regarding Claim 9, the combination of Catan in view of Curry, further in view of AAPA, and further in view of Jansen, disclose the method wherein

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calibration data of the user is stored (column 4, lines 37-55 and column 5, lines 15-22, Jansen) into the transponder as application-related specific data (column 17, lines 2-7, Curry).

## **AN ALTERNATE REJECTION:**

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1-11,15-18, and 21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Catan (US Patent Application No. 20020143860) filed on March 31, 2001, in view of Curry (US Patent No. 6,814,293) filed on April 17, 2001, and further in view of Jansen (US Patent No. 6,778,917) filed November 1, 1999.**

Regarding Claim 1, Catan discloses a method for handling data of a proportioning device comprising the steps of:

providing the proportioning device ([0058], lines 1-3, Catan)<sup>8</sup>, in a production process ([0064], lines 1-8 and [0067], Catan), with at least one

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<sup>8</sup> Examiner Notes: The "MRL" device corresponds to the proportioning device, because the MRL device houses and performs the same functions as those outlined for the proportioning device (i.e. a transponder which stores data by a writing device and reads data by a reading device, contactlessly, See Fig.1).

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transponder ([0058], lines 5-7, Catan) for contactlessly storing data using a writing device ([0060], lines 12-20, Catan)<sup>9</sup> and from which data can be contactlessly read out using a reading device ([0059], lines 1-3, Catan)<sup>10</sup>, storing production-related specific data about the proportioning device ([0132], Catan), in the production process ([0064], lines 1-8 and [0067], Catan), into the transponder using the writing device ([0060], lines 12-20, Catan), and fully or partially reading out the stored production related data using the reading device ([0061], lines 1-15, Catan). However, Catan is silent with respect to storing application-related data about the proportioning device in the transponder using the writing device and during use of the proportioning device or during maintenance or repair of the proportioning device, fully or partially reading out the stored application related data using the reading device. On the other hand, Curry discloses storing application-related data about the proportioning device in the transponder using the writing device (column 7, lines 24-34 and column 17, lines 2-7, Curry) and during use of the proportioning device or during maintenance or repair of the proportioning device (column 20, lines 36-39, Curry), fully or partially reading out the stored application related data using the reading device (column 7, lines 15-23 and column 13, lines 60-65, Curry). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Curry's teachings into the Catan proportioning

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<sup>9</sup> Examiner Notes: The "computer" corresponds to the writing device. Also, the act of contactlessly storing data is represented by a wireless connection.

<sup>10</sup> Examiner Notes: The "portable reader" corresponds to the reading device. Also, the act of contactlessly reading is done by wireless links.

device. Catan and Curry are analogous art because they are from the same field of endeavor of establishing a relationship among data and managing it with frequency (i.e. transponders). A skilled artisan would have been motivated to combine, as suggested by Curry at column 17, lines 40-46, in order to authorize the system to communicate data with other components such as networks, modems, and interfaces. By applying this information this allows the device to be self-contained ensuring that the needed data will be available with more ease. However, the combination of Catan in view of Curry are silent with respect to the proportioning device being of a portable or stationary and selected from the group consisting of manually operated pipettes, motor-operated pipettes, manually operated dispensers, and motor-operated dispensers. On the other hand, Jansen discloses the proportioning device being of a portable or stationary design (column 5, lines 40-45, Jansen) and selected from the group consisting of manually operated pipettes, motor-operated pipettes (column 6, lines 8-25, Jansen), manually operated dispensers, and motor-operated dispensers. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Jansen's teachings into the Catan in view of Curry system. Catan, Curry, and Jansen are analogous art because they are from the same field of endeavor of a calibration system. A skilled artisan would have been motivated to combine, as suggested by Jansen at column 2, lines 65-67 and 1-3, respectively, in order to alleviate from previous downfalls of pipette devices such as tediousness and errors. Therefore, by allowing the proportioning device to be

motor-operated pipette improves operating parameters, procedures, and programs. Therefore, the combination of Catan in view of Curry, and further in view of Jansen, disclose the application-related specific data is stored to be fully or partially variable into the transponder ([0012], lines 10-13 and [0159], Catan).

Regarding Claim 2, the combination of Catan in view of Curry, and further in view of Jansen, disclose the method wherein the proportioning device is provided with a passive transponder (column 10, lines 64-67, Curry)<sup>11</sup>.

Regarding Claim 3, the combination of Catan in view of Curry, and further in view of Jansen, disclose the method wherein at a beginning stage of assembling the proportioning device, a product component is provided with the transponder ([0088], lines 1-6, Catan)<sup>12</sup>.

Regarding Claim 4, the combination of Catan in view of Curry, and further in view of Jansen, disclose the method wherein the transponder is encapsulated in the proportioning device ([0061], lines 1-4, Catan)<sup>13</sup>.

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<sup>11</sup> Examiner Notes: The use of a battery for energy storage is acceptable, but the battery can also be replaced with capacitor, which is inductively charged (i.e. passive).

<sup>12</sup> Examiner Notes: "Components of the resource retrieval technology" corresponds to the product component, and the assembly process is represented by the "using the context to filter a large number of options down" (which is gathering the context together and organizing them downward). Lastly, by filtering the context downward, that means the process starts from the top (i.e. beginning) to the bottom.

Regarding Claim 5, the combination of Catan in view of Curry, and further in view of Jansen, disclose the method wherein an article number ([0076], Catan) and/or a serial number of the proportioning device ([0006], lines 3-6, Catan) and/or a production order number ([0132], lines 1-4, Catan) and/or a batch number is/are stored into the transponder as production-related specific data.

Regarding Claim 6, the combination of Catan in view of Curry, and further in view of Jansen, disclose the method wherein data of an initial calibration (column 4, lines 37-55, Jansen) is stored into the transponder as production-related specific data ([0063], lines 1-7, Catan).

Regarding Claim 7, the combination of Catan in view of Curry, and further in view of Jansen, disclose the method wherein sales data is stored (column 7, lines 29-31, Curry) into the transponder as application-related specific data (column 17, lines 2-7, Curry).

Regarding Claim 8, the combination of Catan in view of Curry, and further in view of Jansen, disclose the method wherein inventory data of the user is stored (column 7, lines 29-31, Curry) into the transponder as application-related specific data (column 17, lines 2-7, Curry).

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<sup>13</sup> Examiner Notes: "Affixed" corresponds to encapsulated.

Regarding Claim 9, the combination of Catan in view of Curry, and further in view of Jansen, disclose the method wherein calibration data of the user is stored (column 4, lines 37-55 and column 5, lines 15-22, Jansen) into the transponder as application-related specific data (column 17, lines 2-7, Curry).

Regarding Claim 10, the combination of Catan in view of Curry, and further in view of Jansen, disclose the method wherein usage data is stored (column 14, lines 36-43, Curry) into the transponder as application-related specific data (column 17, lines 2-7, Curry).

Regarding Claim 11, the combination of Catan in view of Curry, and further in view of Jansen, disclose the method wherein maintenance and/or repair data is stored (column 20, lines 36-39, Curry) into the transponder as application-related specific data (column 17, lines 2-7, Curry).

Regarding Claim 15, the combination of Catan in view of Curry, and further in view of Jansen, disclose a proportioning device comprising: a proportioning device selected from the group consisting of manually operated pipettes, motor-operated pipettes (column 6, lines 8-25, Jansen), manually operated dispensers, and motor-operated dispensers, a transponder ([0058], lines 5-7, Catan) for contactlessly storing data using a writing device ([0060], lines 12-20, Catan) and from which data can be contactlessly read out using a



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reading device ([0059], lines 1-3, Catan), the proportioning device having the transponder affixed thereto (Fig.2; [0061], lines 1-4, Catan), wherein the data stored into the transponder is fully or partially variable ([0012], lines 10-13 and [0159], Catan).

Regarding Claim 16, the combination of Catan in view of Curry, and further in view of Jansen, disclose the proportioning device wherein the transponder is a passive transponder (column 10, lines 64-67, Curry).

Regarding Claim 17, the combination of Catan in view of Curry, and further in view of Jansen, disclose the proportioning device wherein the transponder is encapsulated in a casing of the proportioning device ([0061], lines 3-4, Catan).

Regarding Claim 18, the combination of Catan in view of Curry, and further in view of Jansen, disclose the proportioning device wherein the transponder is disposed inside the casing of the proportioning device or is injected into the casing of the proportioning device (column 13, lines 54-56, Curry)<sup>14</sup>.

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<sup>14</sup> Examiner Notes: "Includes" corresponds to injected.

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Regarding Claim 21, the combination of Catan in view of Curry, and further in view of Jansen, disclose the method wherein the production-related data is selected from the group consisting of article number ([0076], Catan), serial number ([0006], lines 3-6, Catan), production order number ([0132], lines 1-4, Catan), and batch number.

### ***Response to Arguments***

*Applicant argues, Curry does not disclose “application-related specific data is stored to be fully or partially variable into a transponder”.*

Examiner respectfully disagrees. To begin, Curry discloses application-related data such as inventory data and sales data, which is obtained by the scanning module (see col.7, lines 27-31, Curry). Also, Catan discloses that some MRL devices can change the data stored in them (see [0012], Catan). As such, the combination of Catan in view of Curry, disclose the above argued limitation.

*Applicant argues, the proportioning device is a device selected from the group consisting of manually operated pipettes, motor-operated pipettes, manually operated dispensers, and motor-operated dispensers, wherein the basic function of the proportioning device is dosing of liquids and an additional function is storing of data and making data available to the user, and only by ignoring the proportioning device being a pipette or dispenser can the Examiner come to the result that the MRL device disclosed within Catan corresponds to the proportioning device.*

Examiner respectfully disagrees. To begin, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the proportioning device dosing liquids) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Further, in response to

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applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In particular, the applicant must keep in mind that it is the combination of Catan, Curry, and AAPA or Catan, Curry, and Jansen, that were relied upon for disclosure of the claims as a whole including the above-argued limitation.

*Applicant argues, since neither Catan nor Curry disclose storing of application-related data during use of a proportioning device, the references also do not disclose fully or partially reading out application related data during use of a proportioning device.*

Examiner respectfully disagrees. To begin, the combination of Catan in view of Curry, do in fact disclose storing of application-related data as explained in the response above. Thus, Curry discloses at column 7, lines 15-23, wherein “*An optical scan module or main peripheral is detachably mounted on a single finger of a user using a ring-shaped mounting. The detachable mounting may be of any number of conventional types suitably adapted for its ease of use for the desired application. For example, a ball and flexible socket mounting, or a slide mounting could be used. ...In addition to the optical scan module, the user wears a first peripheral module on the wrist, and a second peripheral module on the other arm. As will be clear from FIG. 1A, the scan module emits a scanning laser beam, which the user directs towards a bar code symbol to be read. The bar code symbol may be printed on or otherwise attached to an article, details of which the user wishes to obtain, for example, for*

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*inventory or for sale purposes*". Examiner interprets the scan module emitting a scanning laser beam, which the user directs towards a bar code symbol to correspond to the limitation of 'during use of the proportioning device' and the scanning of the bar code to obtain inventory or for sale purposes correspond to 'reading out the stored application related data using the reading device'. Examiner further cited column 13, lines 60-65 of the Curry reference to further disclose and explain the fully reading out of the data.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHELCIE DAYE whose telephone number is (571)272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4146080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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May 19, 2008

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